

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DANIEL B. LOSHBAUGH,)	
)	
Plaintiff,)	Case No. 04-6281-ST
)	
vs.)	ORDER
)	
JO ANNE B. BARNHART, Commissioner)	
Social Security Administration,)	
)	
Defendant.)	

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KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 6, 2005. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error. I note a typographical error in section I, subsection C. The underlined word corrects the omission: “While the ALJ may be correct in noting that Loshbaugh’s pain is greater than what might be expected, this observation alone does not rise to the level of clear and convincing evidence.”

Accordingly, with the correction noted above, I ADOPT Magistrate Judge Stewart’s Findings and Recommendation (#14).

IT IS HEREBY ORDERED that the decision of the Commissioner is reversed and remanded for payment of benefits.

Dated this 5th day of August, 2005.

/s/ Garr M. King
Garr M. King
United States District Judge